1932

Department of LR & Lett

OFFICE Of the Board of Rev.

STATION Madras

B.P. Res No. 1785

1785

Dated 11-6-1932

Ferries - South Kanara District - Coondapur taluk - Arante ferry - Private rights - Infringement.

From the Inhabitants of Hosad village, Coondapur taluk, dated 25.9.1931.

The humble memorial of (1) Moger Marlu son of Nagi (2) Rama son of Moger Dotte and (3) Moger Rama son of Maru. Arante ferry 39 Hosad village, Kundapur taluk, south Kanara district.

The abovenamed Memorialists beg to submit as follows:- There is a ferry known as Arante Ferry in 39 Hosadu village of Kundapur Taluk in South Kanara District. The right of plying boats across this ferry and collecting tolls is the exclusive proprietary right of the families of the memorialists, they having been exercising this right as a mamool right from a very long time from more than a hundred years backwards openly, uninterruptedly, and continously. The peaceful exercise of this right by the memorialists is now threatened with infringement by reason of a publication in the South Kanara District Gazette dated 24.8.1931, by the local Taluk Board, Kundapur, declaring the ferry as a public ferry, by virtue of the powers conferred by the rules under the Madras Canals and public Ferries Act II of 1890, and the right to collect tolls at this ferry for 9 months ending with 31st March 1931 was notified to be sold by public auction on 19th September 1931.

already held by the Taluk Board president may be cancelled and the Memorialists' proprietary rights may be upheld and

(b) pending disposal of this enquiry and final orders on this memorial further proceedings of the Taluk Board president Kundapur

(4) The memorialists further beg to submit, that in case favourable orders are not passed on this memorial they will be strained to seek necessary reliefs in civil Courts and this may be

Jerres S. Kanara

Coondapur Taluk

Mantle levy

Report called for

E 5387/31 H

Ref E 5387/31

Forwarded

Collr of South Kan

for report at an early

early date with reference

to correspondence ending on

this letter. No D. Dis 2778/31

1-6-31 AG/13/10/31

AR 13.10.31 AB 13103

Document

H

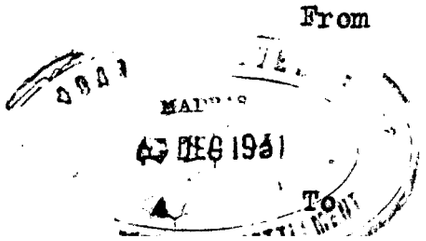
13107

South Kanara Collector's Office,

Mangalore, dated 30th Novr.1931.

E6190

From



Khan Bahadur J. Hussain, Bar-at-law,

Collector of South Kanara.

To

The Secretary to the Board,

Land Revenue and Settlement,

M a d r a s.

Ferries - South Kanara - Coondapoor Taluk - Hosad village - Arante ferry - private rights - infringement report submitted.

Board's reference E.No.5387-31/1 dated 13-10-1931.

The memorialists have no documentary evidence to support the claim of the exclusive proprietary right of their families to the Arante ferry. On the recommendation of the Taluk Tahsildar, Coondapoor the President, Taluk Board, Coondapoor proposed to the Collector the extension of the provisions of the Canals and Ferries Act to this ferry among others in 1887, but the then Collector did not select this ferry for being brought under the Act. The reasons for this are not known. Eversince then this ferry has been allowed to continue under private management. Mr. H. Madappayya of Hakladi village who was the President of the Taluk Board, Coondapoor in 1924-26 states that the fact contended by the petitioners in their memorial about their right of uninterrupted possession and enjoyment of Arante ferry from a very long time is true. Considering the fact that the ferry has been allowed to be under private management, it is not known from what time-till it was sold by auction in September 1931, I consider the rights of the petitioners and their ancesstors to the ferry may be recognised and allowed to continue.

I cannot interfere in the matter.

A Krishnamurthy 2/12/31

For Collector.

2.12.31

Copy to Tahsildar, Coondapoor with his file G.R.6330/1887 and the documents returned.

Ferries (S. Kanara) - Coorlapur
Taluk Hosad village Haute
ferry private Mgmt
Infringement

agreement was
previously made that
no private interests
would be affected
8.12.31 9/12/31 (Jones)
8.12.31

Public Works and Labour department.

SECY. 23 FEB 1932

Memorandum No. 18433 D/31-3, dated 18th February 1932.

Ferries -South Kanara District - Coondapur taluk- Arante ferry
Private rights - Infringement.
From the inhabitants of Hosad village, Coondapur taluk, dated 5th February 1932.

Referred to the Board of Revenue for early remarks in continuation of O.M.No. 18433 D/31-1, dated 7th October 1931.

A.G.Leach.
Secretary to Government.

To the Board of Revenue, Land Revenue and Settlement with a copy of the petition.

23 FEB 1932

HIS EXCELLENCY, THE GOVERNOR-IN-COUNCIL,

Fort. St. George,

M A D R A S.

he Humble Memorial of (1) Moger Marlu son of Nagi(2)Rama son of aru resident at Kaluvinamane, Arante Ferry of No.39 Hosadu village, Kundapur taluk, S.Kanara District

The Memorialists beg to submit as follow:

(1)That they along with another Rama by name submitted a memorial dated 25-9-1931 to His Excellency referring therein to their pro - prietory rights to the ferry known as Arante ferry mentioned therein, the declaration by the Government of the said ferry to be a public ferry under the Madras Canals and Public Ferries Act, and the auction of the ferry right for a period of 6 months by the Taluk Board, Kundapur, and praying for an enquiry to be held regarding the proprietory rights of the Memorialists to the ferry, and other necessary relief.

to the District Collector, South Kanara praying for a final order in the enquiry, no order has yet been passed on the memorial dated 25-9-1931.

(5)That the infringement of the Memorialists proprietory rights to the ferry by the declaration and sale as a public ferry has caused serious and heavy damages to the Memorialists, they having been deprived of their income therefrom which exceeded Rs 600/- annually and if the intended sale is held it will not only increase the amount of damages but also will cause serious inconvenience to the Memorialists in earning their living as the ferry had been the main source of income of the family of the Memorialists.

(6) The Memorialists therefore humbly pray :-

(i) that a final order may be passed on the result of the enquiry held on the Memorial dated 25-9-1931 as to the proprietory rights of the Memorialists.

(ii) That pending the passing of this order, the auction sale of the ferry by the President Taluk Board Kundapur may be ordered to be deferred.

(iii)That all the documents filed by the Memorialists in the enquiry may be ordered to be returned to them as speedily as possible so that in case the above prayers are not granted or if the final order to be passed be not favourable to the Memorialists, they may be enabled to seek necessary reliefs in the Civil Court.

Dated 5-2-1932.

Kundapur.

Subject

R. F. XXII-A-19—30,004--2-2-31.(6)

Ferries (S. Kanara) - Government
Taluka - Private ferries - Private
regis- Engagement Justice
report Cattle

From

Khan Bahadur J. Hussain, Bar-at-Law,

Collector of South Kanara.

The Secretary to the Board,

and Revenue & Settlement,

M a d r a s.

Sir,

Ferries - South Kanara - Coondapoor Taluk - Hosadu village - Arante ferry - private rights - infringement report - submitted.

Board's Reference E.No.5387-31-2, dated 9-12-1931 and

From enquiries made I learn that, when the right of collecting fees at Arante ferry for 6 months was sold by the President, Taluk Board, Coondapoor, it fetched a sum of Rs.175/- This brings the annual income to Rs.350/- capitalizing it at 6% the amount of compensation payable works out to Rs.5400/ in round figures. I considered this a fair compensation and addressed the President, Taluk Board, ------- Coondapoor to let me know the extent to which his Board would be willing to meet the private claims. He now writes to say that the Board is not willing to pay any compensation. A copy of the Taluk Board's resolution is enclosed.

fresh facts which led me to consider that the memorialists had private rights over the ferry.

3 The petitioners further filed a petition on 15-1-1932 requesting me to ask the President, Taluk Board, Coondapoor to postpone the auction sale of the ferry fixed on 22-1-1932. But I rejected it stating that as the matter was still under enquiry, I could not interfere.

Ambani Rao

For Collector.

Extract from the Proceedings of the meeting of the Taluk Board of Coondapoor dated 25th March 1932.

22. Read Resolution No.31/22-1-1932 referring to a committee consisting of Messrs. K. Venkappa Shetty, G.Sanjiva Rao and H. L. Kamath, reference from the Tahsildar, Coondapur requesting to let him know the amount of compensation which the Taluk Board is prepared to pay for the extinction of private rights over the Arante ferry.

Also reply of the above said members to this office reference in the matter.

Subject.

Ferries...

Tadzik Losachi village

Private ferry - private regu-

-ulations - report submitted

With reference to
para 2 of this letter
No D.D. 1912-31 of 13-4-32
the Collector is requested
to take action against
the Sarkar dar who has
made an incorrect
report ~~xxxxxxxxxx~~ that no
private interests were
affected.
2.4.32

22/4/32

Public Works and Labour Department
G.O. No. Ms. 1221-I., dated the 6th June 1932.

G.O. No. 1870-I., dated the 24th July 1931.
From the Board of Revenue (Land Revenue and Settlement). No. E.5387/31-3, dated the 22nd April 1932.
Memorial from Moger Marlu and another dated 16th May 1932.

FORT ST. GEORGE GAZETTE,
MAY 24, 1932.

PART I—PAGE 910.

PUBLIC WORKS AND LABOUR DEPARTMENT.

NOTIFICATION.

Fort St. George, May 19, 1932.

No. 187.—Under section 8 of the Canals and Public Ferries Act of 1890, the Government in the Ministry of Public Works hereby declare that the notification published on page 924 of Part I of the *Fort St. George Gazette*, dated 14th July 1931, in so far as it relates to the opening of the Arante ferry at Hakladi and Hosadu villages, Ccondapoor taluk, South Kanara district, be cancelled with effect from the date of publication of this notification.

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N. GOPALASWAMI,
Secretary to Government.

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N. GOPALASWAMI,
Secretary to Government.

Ferries (S. Kanara) Coondapur Taluk
Thoar village Mantli Ferry – private
rights – Enhancement

E 6387/31

E 6190/31.

Letter from Govt Memo dt 6/1-2 cf
and 11 Collrs report dt 5-6 cf

The Mantli ferry across the Kom-
ba river, Coondapur Taluk, South Kana-
ra was declared a bunder ferry
vide G.O. No 1870 L MS P dt 24-7-31. Before declaring it a
bunder ferry it was necessary to
from the Collector that no private
rights would be affected by or on
account of the conversion into a
bunder ferry. The Collector now
considers that the petitioners return
to the Govt Memo dt page 2 cf
have a long established right
over the ferry and that it should

director may decide to refer
the amount of Compensation
payable to the persons entitled
to the exercise of the rights
over the farm and to
the Board thereupon in prepare

E 5387/31 p1 cf

E 6190/31 p5 cf

W E 5387/31-2 p7 cf

E 1213/32 p9 cf

E 2207/32 p15 cf

Also see Court Memo at pp2 & 9 of the Collectors reports at pp 5-6 & 15-16 cf

On the strength of the report of the Coll of S. Kanara that no private rights would be affected thereby the Aranthangi ferry in S Kanara was declared a public ferry. The petitioners referred to in the Court Memo at page 1 cf contend that they had vested interests over the ferry. The Collectors now Considered that their contention was true His explanation for making the misleading statements

function of the bar to the rights of the petitioners. In the circumstances the Collector's letters at pgs 5-6 of I.S.-19 C/ may be submitted to Govt with reference to their memo at pgs 12 & 9 C/ with the recommendation that the Arambe ferry may be excluded from the list of public ferries approved in P.O No 1870 I/31 dt 24.7.31.

Plan on Board Office at
page 17 C and The C.
at page 21 C
Draft submitted

9.6.32 11635

10.6.32